

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

FILED

2023 JAN 10 PM 1:14

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

JOHN RAMOS

Plaintiff,

v.

RESURGENT CAPITAL SERVICES,
Defendant.

) JURY TRIAL DEMANDED *cc*

)

)

) Case No.

)

)

)

)

)

1:24 CV00035 RP

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff John Ramos an individual consumer, against Defendant, Resurgent Capital Services for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact

business in Austin, Travis County, Texas, and the conduct complained of occurred in Austin, Travis County, Texas.

III. PARTIES

3. Plaintiff John Ramos (hereinafter “Mr. Ramos”) is a natural person residing in Austin, Travis County, Texas. Mr. Ramos is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant Resurgent Capital Services is a South Carolina corporation with its principal place of business located at 55 Beattie Place Ste 110, Greenville, SC 29601.
5. Defendant Resurgent Capital Services is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempt to collect consumers’ debts alleged to be due to another’s.

IV. FACTS OF THE COMPLAINT

6. Defendant Resurgent Capital Services, (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).
7. On November 28, 2023, Mr. Ramos received an email from Resurgent Capital Services, attempting to collect a debt in the amount of \$461.19 allegedly owed to Credit One Bank, N.A.

8. On November 28, 2023, Mr. Ramos sent an email back "I refuse to pay the debt. At 10:15am "Pursuant to 15 U.S.C 1692c(c).
9. Despite receiving Plaintiff's notice, Defendant continued its attempts to contact Plaintiff via email on December 1, 2023, at 9:39 am in violation of 15 U.S.C. § 1692c(c).
10. On December 1, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 7:33 pm.
Welcome! You'll receive msgs from Resurgent Debt Collector. msgs varies by acct/pref Msg&DataRatesMayApply STOP to optout HELP for info. T&C's: m.rcap.com/terms
which was in violation of 15 U.S.C. § 1692c(c).
11. On December 3, 2023, Mr. Ramos received an email from Resurgent Capital Services at 12:03pm attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).
12. On December 5, 2023, Mr. Ramos received an email from Resurgent Capital Services at 9:45am attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).
13. On December 5, 2023, Mr. Ramos received a voicemail from defendant at 3:04pm, Message said,

"This message is from resurgent capital services a debt collection company we recently sent you a message regarding your account but haven't received payment we understand that life can get busy and we want to make sure you understand all your payment options we offer

various online services to assist you such as viewing your account information and customizing payment plans to our website at <https://www.resurgent.com> if you prefer to speak with a member of our customer care team simply give us a call at 866-559-6648 we look forward to hearing from you this is an attempt to collect a debt and any information obtained will be used for that purpose.

Which was in violation of 15 U.S.C. § 1692c(c).

14. On December 7, 2023, Mr. Ramos received an email from Resurgent Capital Services at 12:20pm attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).

15. On December 7, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 5:04 pm.

Resurgent Debt Collector:

*John, you could miss out on potential discounts! Revisit the Resurgent Portal at m.rcap.com/prAzrglhK1Y
Reply STOP to optout*

which was in violation of 15 U.S.C. § 1692c(c).

16. On December 9, 2023, Mr. Ramos received an email from Resurgent Capital Services at 1:58pm attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).

17. On or about December 9, 2023. Plaintiff received a letter via US MAIL dated November 28, 2023 and Defendant attempted to collect the alleged debt.

Which is a violation of 15 U.S.C § 1692c(c).

18. On December 11, 2023, Mr. Ramos received an email from Resurgent Capital Services at 2:57pm attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).

19. On December 12, 2023, Mr. Ramos received a voicemail from defendant at 2:34pm, Message said,

This is resurgent capital services a debt collection company we wanted to touch base again regarding your account with us we haven't received payment from you vet and we understand that life can be busy we're here to help you find a solution that works for you please contact our customer care team at 866-559-6648 or visit <https://www.resurgent.com> we would love the opportunity to help you reach financial freedom and hope to hear from you soon this is an attempt to collect a debt and any information obtained will be used for that purpose..

Which was in violation of 15 U.S.C. § 1692c(c).

20. On December 12, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 4:41pm.

*Resurgent Debt Collector:
Come back to the
Resurgent Portal and see special offers for your acct ending in 8751.
m.rcap.com/219080DTM7b
To optout reply STOP*

which was in violation of 15 U.S.C. § 1692c(c).

21. On December 13, 2023, Mr. Ramos received an email from Resurgent Capital Services at 9:54am attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).

22. On December 14, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 5:44pm.

Resurgent Debt Collector: John, you've got options for your account ending in 8751. Come back to m.rcap.com/8YYWpvgH002 To optout reply STOP

which was in violation of 15 U.S.C. § 1692c(c).

23. On December 18, 2023, Mr. Ramos received an email from Resurgent Capital Services at 10:19am attempting to collect a debt in violation of 15 U.S.C. § 1692c(c).

24. On December 20, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 7:00pm.

Resurgent Debt Collector: Looking for flexible pmt options? We have create-your-own plans now on our online portal m.rcap.com/NWWmY12FnGr To optout reply STOP

which was in violation of 15 U.S.C. § 1692c(c).

25. On December 28, 2023, Mr. Ramos received an SMS aka Text message from Defendant at 12:10pm.

Resurgent Debt Collector: Save \$41.51 on account 8751 with 1 payment of \$419.68 at m.rcap.com/3eYewkbuMVV Offers subject to change. Reply STOP to opt out

which was in violation of 15 U.S.C. § 1692c(c).

26. On January 3, 2024, Mr. Ramos received an SMS aka Text message from Defendant at 11:35am.

Resurgent Debt Collector: Resolve your account in 12 payments and save \$36.90. Start at m.rcap.com/NWlpdpKcYP5 Offers subject to change. Reply STOP to opt out

which was in violation of 15 U.S.C. § 1692c(c).

27. On January 5, 2024, Mr. Ramos received an SMS aka Text message from Defendant at 12:10pm.

Resurgent Debt Collector: Save \$41.51 on your \$461.19 acct with this offer. Start at m.rcap.com/669OxdpcpAK Offers subject to change. Reply STOP to opt out

Which was in violation of 15 U.S.C. § 1692c(c).

28. Plaintiff has suffered actual damages as a result of these illegal collection tactics by this Defendant in the form of invasion of privacy, intrusion upon seclusion, disturbing plaintiff peace, personal embarrassment, loss of productive time, emotional distress, frustration, anger, anxiety, decreased ability to focus on task while at work, humiliation and amongst other negative emotions.

**V. FIRST CLAIM FOR RELIEF
(Resurgent Capital Services)
15 U.S.C. §1692c(c)**

29. Mr. Ramos re-alleges and reincorporates all previous paragraphs as if fully set out herein.
30. The Debt Collector violated the FDCPA.
31. The Debt Collector's violations include, but are not limited to, the following:

The Debt Collector violated 15 U.S.C § 1692c(c) and Regulation F § 1006.14(h)(1) by communicating with the Plaintiff at a place Defendant knew or should have known was no longer convenient.

32. As a result of the above violations of the FDCPA, the Defendants are liable to the Mr. Ramos actual damages, statutory damages and cost.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mr. Ramos respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:



John Ramos,
2250 Double Creek Dr.
#6711
Round Rock, TX 78664
512.450.2238 (telephone)
Johnramos2121@gmail.com (email)